

ESTTA Tracking number: **ESTTA684922**

Filing date: **07/21/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | | | |
|---------|--|-------------|------|
| Name | Little Busy Bodies, LLC | | |
| Entity | Limited Liability Company | Citizenship | Ohio |
| Address | 1130 Findlay Street Cincinnati, OH 45214 UNITED STATES | | |

| | |
|----------------------|---|
| Attorney information | Hillary A. Brooks 210 SW Morrison Street Portland, OR 97204 UNITED STATES litigationdocketing@techlaw.com, hillyary_brooks@techlaw.com, dejenetaye@techlaw.com Phone:503-222-3613 |
|----------------------|---|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 86565577 | Publication date | 06/23/2015 |
| Opposition Filing Date | 07/21/2015 | Opposition Period Ends | 07/23/2015 |
| Applicant | Dollar Shave Club, Inc. 513 Boccaccio Ave. Venice, CA 90291 UNITED STATES | | |

Goods/Services Affected by Opposition

| |
|--|
| Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Styling clay for hair |
|--|

Grounds for Opposition

| | |
|--------------------------------------|--|
| False suggestion of a connection | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Other | Likelihood of confusion with Opposer's family of marks -Trademark Act section 2(d) |



Marks Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 4162748 | Application Date | 04/01/2009 |
| Registration Date | 06/26/2012 | Foreign Priority Date | NONE |
| Word Mark | BOOGIE | | |

| | |
|---------------------|--|
| Design Mark | BOOGIE |
| Description of Mark | NONE |
| Goods/Services | Class 003. First use: First Use: 2007/11/00 First Use In Commerce: 2007/11/00 Baby wipes; disposable nasal wipes impregnated with saline; disposable wipes impregnated with saline for personal hygiene; pre-moistened cosmetic wipes; scent-infused pre-moistened cosmetic wipes; moisturizing disposable wipes impregnated with cleansing chemicals or compounds for personal hygiene; moisturizing baby wipes for animals; pre-moistened cosmetic wipes for animals |

| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3541165 | Application Date | 07/18/2007 |
| Registration Date | 12/02/2008 | Foreign Priority Date | NONE |
| Word Mark | BOOGIE WIPES | | |
| Design Mark | BOOGIE WIPES | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2007/11/00 First Use In Commerce: 2007/11/00 wipes for noses, namely, disposable paper materials impregnated with saline | | |

| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3750406 | Application Date | 05/28/2008 |
| Registration Date | 02/16/2010 | Foreign Priority Date | NONE |
| Word Mark | BOOGIE MOMS | | |
| Design Mark | BOOGIE MOMS | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2008/02/00 First Use In Commerce: 2008/02/00 | | |

| | | | |
|-----------------------|--|-----------------------|------------|
| | wipes for noses, namely, disposable paper materials impregnated with saline | | |
| U.S. Registration No. | 3560905 | Application Date | 06/05/2008 |
| Registration Date | 01/13/2009 | Foreign Priority Date | NONE |
| Word Mark | BOOGIES ON THE RUN | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2008/03/01 First Use In Commerce: 2008/03/01 wipes for noses, namely, disposable paper materials impregnated with saline | | |
| U.S. Registration No. | 4109524 | Application Date | 05/14/2010 |
| Registration Date | 03/06/2012 | Foreign Priority Date | NONE |
| Word Mark | BOOGIE BUDDY | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 028. First use: First Use: 2010/08/00 First Use In Commerce: 2010/08/00 plush toys; fluff toys; stuffed toys; stuffed toy animals; dolls; promotional toys, namely, stuffed animals | | |
| Attachments | 77704750#TMSN.png(bytes) 77233002#TMSN.png(bytes) 77485579#TMSN.png(bytes) 77492320#TMSN.png(bytes) 85039330#TMSN.png(bytes) 00211013.PDF(78869 bytes) | | |

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|---------------------|
| Signature | /Hillary A. Brooks/ |
| Name | Hillary A. Brooks |
| Date | 07/21/2015 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Trademark Application Serial No. 86/565,577
For the mark: BOOGIE'S CASUAL HAIR CLAY
Filed: March 16, 2015
Published: June 23, 2015

| | | |
|--------------------------|---|----------------------|
| LITTLE BUSY BODIES, LLC, |) | |
| |) | Opposition No. _____ |
| Opposer, |) | |
| |) | |
| v. |) | |
| |) | |
| DOLLAR SHAVE CLUB, INC, |) | |
| |) | |
| Applicant. |) | |

NOTICE OF OPPOSITION

1. Little Busy Bodies, LLC, an Ohio limited liability company having a business address of 1130 Findlay Street, Cincinnati, Ohio 45214 (“Opposer”), believes that it will be damaged by registration of the design mark BOOGIE'S CASUAL HAIR CLAY that is the subject of U.S. Trademark Application Serial No. 86/565,577 (“Applicant’s BOOGIE'S CASUAL HAIR CLAY Mark”) for “Styling clay for hair” filed March 16, 2015, by Dollar Shave Club, Inc., a Delaware corporation having an address of 513 Boccaccio Avenue, Venice, California 90291 (“Applicant”). Opposer opposes registration of Applicant’s BOOGIE'S CASUAL HAIR CLAY.

As first grounds for opposition, Opposer alleges as follows:

2. Opposer owns U.S. Trademark Registration No. 4,162,748 for the mark BOOGIE for “baby wipes; disposable nasal wipes impregnated with saline; disposable wipes impregnated with saline for personal hygiene; pre-moistened cosmetic wipes; scent-infused pre-moistened cosmetic wipes; moisturizing disposable wipes impregnated with cleansing chemicals or compounds for personal hygiene; moisturizing baby wipes for animals; pre-moistened cosmetic wipes for animals” issued June 26, 2012. Opposer owns U.S. Trademark Registration No. 3,541,165 for the mark BOOGIE WIPES for “wipes for noses, namely, disposable paper

materials impregnated with saline” issued December 2, 2008. Opposer owns U.S. Trademark Registration No. 3,750,406 for the mark BOOGIE MOMS for “wipes for noses, namely, disposable paper materials impregnated with saline” issued February 16, 2010. Opposer owns U.S. Trademark Registration No. 3,560,905 for the mark BOOGIES ON THE RUN for “wipes for noses, namely, disposable paper materials impregnated with saline” issued January 13, 2009. Opposer owns U.S. Trademark Registration No. 4,109,524 for the mark BOOGIE BUDDY for “plush toys; fluff toys; stuffed toys; stuffed toy animals; dolls; promotional toys, namely, stuffed animals” issued March 6, 2012. (Collectively, “BOOGIE Marks”).

3. Applicant’s BOOGIE’S CASUAL HAIR CLAY Mark so resembles Opposer’s previously registered BOOGIE Marks as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, mistake, or deception.

As second, alternative, grounds for opposition, Opposer alleges as follows:

4. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and not abandoned the BOOGIE Marks as trademarks for disposable nasal wipes and/or other related goods.

5. Applicant’s BOOGIE’S CASUAL HAIR CLAY Mark so resembles Opposer’s BOOGIE Marks as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, mistake, or deception.

As third, alternative, grounds for opposition, Opposer alleges as follows:

6. Opposer is the owner of a family of BOOGIE marks, including BOOGIE, BOOGIE WIPES, BOOGIE MOMS, BOOGIES ON THE RUN, and BOOGIE BUDDY for disposable nasal wipes and/or other related goods.

7. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and promoted its marks BOOGIE, BOOGIE WIPES, BOOGIE MOMS, BOOGIES ON THE RUN, and BOOGIE BUDDY as a family of marks.

8. Applicant's BOOGIE'S CASUAL HAIR CLAY Mark is so similar to Opposer's family of marks that, when used on or in connection with the goods of Applicant, is likely to be perceived as another member of Opposer's family of marks, and is likely to cause confusion, mistake, or deception.

As fourth, alternative, grounds for opposition, Opposer alleges as follows:

9. Applicant's BOOGIE'S CASUAL HAIR CLAY Mark when used on or in connection with the goods of Applicant falsely suggests a connection with Opposer.

Opposer prays that this opposition is sustained and that registration to Applicant is refused.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

/Hillary A. Brooks/
Hillary A. Brooks
Registration No. 45,815
Attorney for Opposer

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant on July 21, 2015, by forwarding said copy via first class mail to the Correspondent of Record at the following address:

Paul A. Mclean
DLA Piper LLP US
2000 University Avenue
East Palo Alto, California 94303-2214

/Dejene Taye/
Dejene Taye